

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:) NO: 14-44207-399
) CHAPTER 13
JATUANE MOBLEY)
DEBTOR) MOTION NO.
and) Response Due: July 3, 2014
ALL CASES ON ATTACHED LIST) Hearing Date: July 10, 2014
) Hearing Time: 9:30 a.m.
) Location: 7N

NOTICE OF HEARING AND TRUSTEE'S MOTION FOR DIRECTION

PLEASE TAKE NOTICE: The Motion herein is scheduled for hearing at the date and time shown above.

WARNING: Any response or objection must be filed with the Court by July 3, 2014. A copy must be promptly served upon the undersigned. Failure to file a timely response may result in the Court granting the relief requested prior to the hearing date.

Comes now John V. LaBarge, Jr., Standing Chapter 13 Trustee, and states as follows:

1. On June 10, 2014, the Court issued an order in case 11-46399-705 which in part suspended attorneys James Robinson and Elbert Walton from filing documents or otherwise representing clients in the bankruptcy court for the Eastern District of Missouri for a period of at least one year.

2. At the time the order was issued, both attorneys were the attorney of record on a number of Chapter 13 bankruptcy cases, which cases were at various stages from those which had just been filed and a 341 meeting not conducted to cases nearing completion.

3. In all or a majority of the cases, the attorney had chosen the flat fee option under Local Rule 2016-3, which flat fee is intended to cover all services during the life of the Chapter 13 plan and which fee may be paid to the attorney prior to provision of all the services which the attorney agrees to provide for that flat fee.

4. Pursuant to Local Rule 2091-B the Chapter 13 Trustee would cease disbursement of attorney fees if the Court enters an order allowing an attorney to withdraw from a case or the Trustee would cease disbursement of attorney fees if specifically ordered by Court.

5. The June 10, 2014 order does not on its face remove James Robinson or Elbert Walton as attorney of record in any case nor does it direct the Chapter 13 Trustee to cease disbursement of attorney fees in any case, but continued disbursement of attorney fees does not appear to comply with the spirit of the order.

6. Upon information and belief, the Court has not and is not in the process of removing James Robinson or Elbert Walton as attorney of record in any case in which they appeared as attorney of record on June 10, 2014, such that the Trustee will continue to disburse attorney fees to James Robinson and Elbert Walton unless the Court enters an order directing the Trustee to cease disbursement.

7. Some portion of the fees so disbursed would be for

services which are included in the flat fee, but have not yet been provided, and which James Robinson and Elbert Walton cannot provide because of the restrictions imposed on them in the June 10, 2014, order.

8. It may create a hardship on some Chapter 13 debtors if the Trustee is disbursing fees to James Robinson or Elbert Walton if the debtor wishes to hire and pay another attorney to provide services in the bankruptcy case.

Wherefore the Trustee prays that the Court enter an order directing the Trustee to either continue disbursement of attorney fees or cease disbursement of attorney fees to Elbert Walton and James Robinson on any cases in which they appear as attorney for the debtor in the Trustee's records as of the date the Trustee makes a disbursement in a case and for such other relief as the Court deems appropriate.

/s/ Diana S. Daugherty
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above Notice of Hearing and Trustee's Motion were served this 18 day of June 2014, either electronically through the Court's system or by depositing same in the U.S. mail, postage pre-paid, addressed to:

James Clifton Robinson
3919 Washington Blvd.
St. Louis, MO 63108

Critique Services
3919 Washington Blvd.
St. Louis, MO 63108

Elbert A Walton Jr.
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St. Louis, MO 63136

Metro Law Firm LLC
2320 Chambers Rd.
St. Louis, MO 63136

Office of the U.S. Trustee
111 South Tenth St. Ste. 6353
St. Louis, MO 63102

all Debtors on attached list

/s/ Diana S. Daugherty